REMARKS

Claims 1-56 are pending in the application. No new matter has been added as a result of the above amendments. Reconsideration and allowance of the pending claims is respectfully requested in light of the foregoing amendments and the following remarks.

Objection to the Drawings

The drawings stand objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they include certain reference characters not mentioned in the specification; in particular, reference characters 215 (Fig. 4a) and 330 (Fig. 5). In response, Applicants have amended the specification to mention the reference characters. Applicants therefore respectfully request that the objection be withdrawn.

Claim Objections

Claim 1 stand objected to because of certain informalities. In response, Applicants have amendment claim 1 to correct the noted informality and respectfully request that the objection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-4, 8, 10-11, 15, 17-18, 22, 24-25, 29, 31-32, 36, 38-39, 43, 45-46, 50, and 52-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,970,490 to Morganstern (hereinafter "Morganstern") in view of U.S. Patent Publication No. 2004/0024852 to Chen et al (hereinafter "Chen"). Claims 2, 9, 16, 23, 30, 37, 44, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morgenstern in view of Chen and further in view of U.S. Patent Publication No. 2002/0138733 to Ishibashi (hereinafter "Ishibashi"). Claims 5-7, 12-14, 19-21, 26-28, 33-35, 40-42, 47-49, and 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morgenstern in view of Chen and further in view of U.S. Patent No. 5,777,876 to Beauchesne (hereinafter "Beauchesne").

As the PTO recognizes in MPEP § 2142:

> *. . . The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness. . .*

It is submitted that, in the present case, the Examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

1. Even when combined, the references do not teach the claimed subject matter.

The Morganstern and Chen references cannot be applied to reject independent claims 1, 8, 15, 22, 29, 36, 43, and 50 under 35 U.S.C. § 103(a) because, even when combined, the references do not produce the claimed subject matter.

Claim 1, as amended, recites in part:

> *a data attachment device . . . to attach the data converted to the format types of to the remaining plurality of databases;*

and

> *a release mechanism . . . to receive a permission semaphore indicating that the data is synchronized among the plurality of databases and transfer the permission semaphore to the first database to authorize usage of the database.*

The Examiner points to column 5, lines 36-48, of Morganstern as teaching the "data attachment device" element. In particular, the Examiner has taken the position that the element reads on Morganstern's teaching of "[t]he target representation may be another database with a different data model and schema, or the target may be a specialized data structure." Read in context, the cited portion describes, not attaching the converted data, to a database (or a plurality of databases): rather, it merely describes transforming, or converting, the data from one format (e.g., a "common intermediate representation") to another (e.g., the "target representation"). Thus, the cited combination fails to teach at least "a data attachment device . . ." as recited in claim 1.

Moreover, the Examiner points to paragraph 0036 of Chen as teaching "a release mechanism . . . to receive a permission semaphore indicating that the data is synchronized among the plurality of databases", as recited in claim 1. Applicants respectfully traverse the Examiner's position in this regard and submit that the use of a semaphore described by Chen is for the purposes of indicating availability of a resource, rather than indicating synchronization of data (as required by claim 1). Thus, the cited combination also fails to teach at least "a release mechanism . . ." as recited in claim 1.

In view of the foregoing, for this mutually exclusive reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection of claim 1 under 35 U.S.C. §103 should be withdrawn. Claims 8, 15, 22, 29, 36, 43, and 50 include limitations similar to those of claim 1 and are therefore also deemed to be allowable for the reasons set forth in detail above with reference to claim 1. Claims 2-7, 9-14, 16-21, 23-28, 30-35, 37-42, 44-49, and 51-56 depend from and further limit independent claims 1, 8, 1, 22, 29, 36, 43, and 50 and are therefore also deemed to be allowable for the reasons set forth in detail above.

2. The combination of references is improper.

Assuming, *arguendo*, that when combined, the references teach the claimed subject matter (which is clearly not the case, as demonstrated above), there is another, mutually exclusive, and compelling reason why the Morganstern and Chen references cannot be applied to reject the claims under 35 U.S.C. §103.

§2142 of the MPEP also provides:

> *. . .the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made. . . . The examiner must put aside knowledge of the applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole'.*

Here, neither Morganstern nor Chen teaches, or even suggests, the desirability of combining an integration platform for processing heterogeneous data, as taught by Morganstern, with a fiber channel network employing RSCNs with enhanced payload, as taught by Chen. In particular, the disclosure of Morganstern is focused on providing interoperability for heterogeneous databases; in contrast, the disclosure of Chen is focused on increasing the scalability of fiber cannel networks through use of remote switch information caching, an improved name server structure, and an extended RSCN packet payload. Thus, it is clear that neither patent provides any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. §103 rejection.

In this context, the MPEP further provides at § 2143.01:

> *The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.*

In the above context, the courts have repeatedly held that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.

In the present case it is clear that the Examiner's combination arises solely from hindsight based on the invention without any showing, suggestion, incentive or motivation in either reference for the combination as applied to the independent claims. Therefore, for this mutually exclusive reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Conclusion

For at least the reasons set forth in detail above, independent claims 1, 8, 15, 22, 29, 36, 43, and 50 are deemed to be in condition for allowance. Claims 2-7, 9-14, 16-21, 23-28, 30-35, 37-42, 44-49, and 51-56 depend from and further limit independent claims 1, 8, 1, 22, 29, 36, 43, and 50 and are therefore also deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the Examiner withdraw the pending rejections and issue a formal notice of allowance.

An early formal notice of allowance of claims 1-56 is respectfully requested.

Respectfully submitted,

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